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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,776

02/03/2004

Kenichi Shiba

Q79666

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23373 7590 07/24/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

CHEN, WEN YING PATTY

ART UNIT

PAPER NUMBER

2871

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,776	Applicant(s) SHIBA, KENICHI	
	Examiner W. Patty Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/12/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Appeal Brief

In view of the appeal brief filed on Mar. 19, 2007, PROSECUTION IS HEREBY REOPENED, the current Office Action replaces the previous Office Action filed Sept. 21, 2006. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by '281 (JP 1-139281U; submitted IDS).

With respect to claim 1: '281 discloses in Figure 2 a display-positioning mechanism for positioning a display inside a casing which is structured by a first casing body (element FC, as shown in the figure below) and a second casing body (element 1), which is attached to the first casing body, the mechanism comprising:

a base (element 7) which is fixed in the casing;

a provisional fixing member (element 6) which attaches the display (elements 3, 4, 5 combined) to the base such that the display is movable within a predetermined range relative to the base (wherein the spring-like structure will allow the display to move up or down relative to the base); and

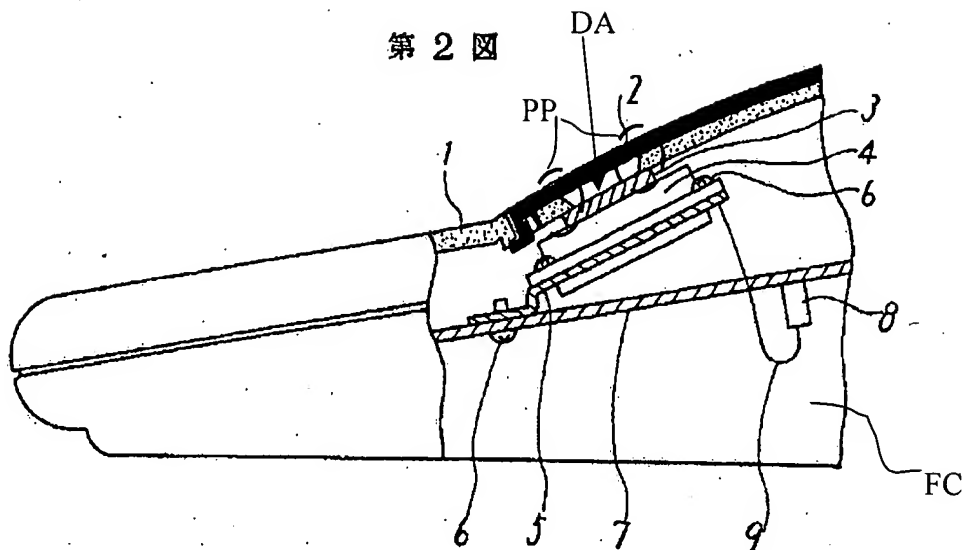
a positioning portion (element PP, as shown in the figure below) for restricting movement of the display at a time of attachment of the second casing body to the first casing body, and retaining the display at a predetermined position,

wherein the base (element 7) is fixed to the first casing body (element FC, as shown in the figure below), and

wherein the positioning portion is provided at the second casing body (element 1).

As to claim 3: '281 further discloses in Figure 2 that the provisional fixing member (element 6) comprises a stepped screw.

As to claim 8: '281 further discloses in Figure 2 that the display-positioning mechanism further comprising a resilient member (element 5) for pushing the display against an inner face of the second casing body (element 1).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-7 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over '281 (JP 1-139281U; submitted IDS) in view of Moriyasu et al. (US 7046264).

With respect to claim 5: '281 disclosed all of the limitations set forth in claim 1, but failed to disclose that the positioning portion comprises a plurality of projections capable of restricting movement of the display.

However, Moriyasu et al. teach in Figure 4A of forming a plurality of projections (elements 13a, 13b) as part of a positioning portion for restricting movement of the display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display-positioning mechanism for positioning a display inside a casing as taught by '281 wherein the positioning portion comprises a plurality of projections as taught by Moriyasu et al., since Moriyasu et al. teach that the projections help to position the display in place relative to the frame aperture with high accuracy (Column 8, lines 3-8).

As to claim 6: Although Moriyasu et al. teach in Figure 4A that the projections are formed only on two sides relative to the display, however, it would have been obvious to one of ordinary skill in the art to form the projections on all four sides of the display such that the display is restricted from movement in all directions.

As to claim 7: Moriyasu et al. further disclose in Figure 4A and Column 7 line 66 through Column 8 line 1 that the projections (elements 13a, 13b) are formed integrally with the second casing body (element 1).

With respect to claims 13 and 14: '281 discloses in Figure 2 a display-positioning mechanism for positioning a display inside a casing which is structured by a first casing body (element FC, as shown in the figure above) and a second casing body (element 1) in which a display aperture (element DA, as shown in the figure above), and which is attached to the first casing body, the mechanism comprising:

- a base (element 7) which is fixed to the first casing body;

- a provisional fixing member (element 6) which attaches the display (elements 3, 4, 5 combined) to the base such that the display is movable within a predetermined range relative to the base (wherein the spring-like structure will allow the display to move up or down relative to the base); and

- a positioning portion (element PP, as shown in the figure above) which is provide at the second casing body for restricting movement of the display at a time of attachment of the second casing body to the first casing body, and retaining the display relative to the display aperture portion.

'281 failed to specifically disclose that the positioning portion retains the display at an accurate position relative to the display aperture portion and that the positioning portion comprises a plurality of projections capable of restricting movement of the display.

However, Moriyasu et al. teach in Figure 4A of forming a plurality of projections (elements 13a, 13b) as part of a positioning portion for restricting movement of the display such that the display is retained at an accurate position relative to the display aperture portion (Column 8, lines 3-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display-positioning mechanism for positioning a display inside a casing as taught by '281 wherein the positioning portion comprises a plurality of projections as taught by Moriyasu et al., since Moriyasu et al. teach that the projections help to position the display in place relative to the frame aperture with high accuracy (Column 8, lines 3-8).

As to claim 15: Although Moriyasu et al. teach in Figure 4A that the projections are formed only on two sides relative to the display, however, it would have been obvious to one of ordinary skill in the art to form the projections on all four sides of the display such that the display is restricted from movement in all directions.

As to claims 16-18: Moriyasu et al. further disclose in Figure 4A and Column 7 line 66 through Column 8 line 1 that the projections (elements 13a, 13b) are formed integrally with the second casing body (element 1).

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over '281 (JP 1-139281U; submitted IDS) in view of Lee (US 6665025).

'281 discloses all of the limitations set forth in the previous claims, but failed to that the base comprising a reference potential terminal and a reference potential-receiving terminal for electrically contacting with the reference potential terminal.

However, Lee discloses in Figure 4 PCB (element 200) comprising a reference potential terminal (element 212') and a reference potential-receiving terminal (element 270), which could

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also be the same as the reference potential terminal, in order to maintain a reference potential of the display (Column 4, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a reference potential terminal and the reference potential-receiving terminal as taught by Lee in the display device taught by '281, since Lee teaches that by having a reference potential terminal and the reference potential-receiving terminal electromagnetic wave interference can be minimized, and therefore, enhance the product's reliability (Column 2, lines 28-30).

Allowable Subject Matter

Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 9: '281 discloses in Figure 2 that the resilient member is formed integrally with a metal plate which is attached to the back of the display, but failed to disclose that the display comprises a frame portion such that the resilient member is formed integrally with the frame portion.

Therefore, claim 9 is deemed non-obvious and inventive over the prior arts, thus is allowable.

Regarding claim 11: None of the prior arts either alone or in combination fairly teach or suggest that the resilient member comprises functionality as a reference potential-receiving

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terminal which is capable of electrically contacting with the reference potential terminal for maintaining the reference potential of the display.

Therefore, claim 11 is deemed non-obvious and inventive over the prior arts, thus is allowable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Patty Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. Patty Chen
Examiner
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WPC

7/17/07


ANDREW SCHECHTER
PRIMARY EXAMINER